

House File 555 - Introduced

HOUSE FILE 555
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 105)

A BILL FOR

1 An Act relating to the sentencing of a minor who commits murder
2 in the first degree, providing penalties, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901A.2, subsections 4 and 6, Code 2013,
2 are amended to read as follows:

3 4. Except as otherwise provided in subsection 5, a person
4 convicted of a sexually predatory offense which is a felony
5 who has previously been sentenced under subsection 3 shall be
6 sentenced to life in prison on the same terms as a class "A"
7 felon under section 902.1, subsection 1, notwithstanding any
8 other provision of the Code to the contrary. In order for a
9 person to be sentenced under this subsection, the prosecuting
10 attorney shall allege and prove that this section is applicable
11 to the person.

12 6. A person who has been placed in a transitional release
13 program, released with or without supervision, or discharged
14 pursuant to chapter 229A, and who is subsequently convicted
15 of a sexually predatory offense or a sexually violent
16 offense, shall be sentenced to life in prison on the same
17 terms as a class "A" felon under section 902.1, subsection
18 1, notwithstanding any other provision of the Code to the
19 contrary. The terms and conditions applicable to sentences
20 for class "A" felons under chapters 901 through 909 shall
21 apply to persons sentenced under this subsection. However,
22 if the person commits a sexually violent offense which is a
23 misdemeanor offense under chapter 709, the person shall be
24 sentenced to life in prison, with eligibility for parole as
25 provided in chapter 906.

26 Sec. 2. Section 902.1, subsection 2, Code 2013, is amended
27 by striking the subsection and inserting in lieu thereof the
28 following:

29 2. a. Notwithstanding subsection 1, a person convicted of
30 murder in the first degree in violation of section 707.2, and
31 who was under the age of eighteen at the time the offense was
32 committed shall receive either of the following sentences:

33 (1) Commitment to the director of the department of
34 corrections for the rest of the defendant's life with no
35 possibility of parole unless the governor commutes the sentence

1 to a term of years.

2 (2) Commitment to the custody of the director of the
3 department of corrections for the rest of the defendant's life
4 with the possibility of parole after serving a minimum term of
5 confinement of forty-five years.

6 b. (1) The prosecuting attorney shall provide reasonable
7 notice to the defendant, after conviction and prior to
8 sentencing, of the state's intention to seek a life sentence
9 with no possibility of parole under paragraph "a", subparagraph
10 (1).

11 (2) In determining whether to impose a life sentence with no
12 possibility of parole, the court shall consider all aggravating
13 and mitigating circumstances including but not limited to the
14 following:

15 (a) The impact of the offense on each victim, as defined in
16 section 915.10, through the use of a victim impact statement,
17 as defined in section 915.10, under any format permitted by
18 section 915.13. The victim impact statement may include
19 comment on the sentence of the defendant.

20 (b) The impact of the offense on the community.

21 (c) The threat to the safety of the public or any individual
22 posed by the defendant.

23 (d) The degree of participation in the murder by the
24 defendant.

25 (e) The nature of the offense.

26 (f) The severity of the offense, including any of the
27 following:

28 (i) The murder's commission while participating in another
29 felony.

30 (ii) The number of victims.

31 (iii) The heinous, brutal, cruel manner of the murder,
32 including whether the murder was the result of torture.

33 (g) The age-related characteristics of the defendant,
34 including the following:

35 (i) The age of the defendant at the time of the commission

1 of the offense.

2 (ii) The capacity of the defendant to appreciate the
3 criminality of the conduct.

4 (iii) Whether the ability to conform the defendant's
5 conduct with the requirements of the law was substantially
6 impaired.

7 (iv) The level of maturity of the defendant.

8 (v) The intellectual and mental capacity of the defendant.

9 (vi) The nature and extent of any prior juvenile or criminal
10 history of the defendant, including the success or failure of
11 previous attempts at rehabilitation.

12 (vii) The mental history of the defendant.

13 (viii) The family background and home environment of the
14 defendant.

15 (ix) The level of compulsion, duress, or influence exerted
16 upon the defendant, but not to such an extent as to constitute
17 a defense.

18 (x) The likelihood that the defendant would benefit from
19 rehabilitation in confinement.

20 (xi) The likelihood of the commission of further offenses
21 by the defendant.

22 (h) Any other information considered relevant by the
23 sentencing court.

24 (3) The court may consider evidence presented at trial and
25 additional evidence presented by the prosecution or defense at
26 the sentencing hearing. The court shall specify on the record
27 the aggravating or mitigating circumstances considered by the
28 court and the reasons of the court supporting the sentence
29 imposed.

30 3. Notwithstanding subsections 1 and 2, a person convicted
31 of a class "A" felony, other than murder in the first degree
32 in violation of section 707.2, and who was under the age
33 of eighteen at the time the offense was committed shall be
34 eligible for parole after serving a minimum term of confinement
35 of twenty-five years.

1 4. If a person is paroled pursuant to subsection 2 or 3, the
2 person shall be subject to the same set of procedures set out
3 in chapters 901B, 905, 906, and 908, and rules adopted under
4 those chapters for persons on parole.

5 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 Sec. 4. APPLICABILITY. This Act applies to a person who
8 was under the age of eighteen at the time murder in the first
9 degree was committed, and who is convicted prior to, on, or
10 after the effective date of this Act.

11 EXPLANATION

12 This bill relates to the sentencing of a minor who commits
13 murder in the first degree.

14 Current law prohibits any person who commits murder in the
15 first degree, including a minor, from being paroled unless the
16 governor commutes the life sentence to a term of years.

17 Under the bill, a person who commits murder in the first
18 degree and who was under the age of 18 at the time the offense
19 was committed may receive a life sentence with the possibility
20 of parole after serving a minimum term of confinement of 45
21 years.

22 The bill also provides that a person who commits murder
23 in the first degree and who was under the age of 18 at the
24 time the offense was committed may also be sentenced to life
25 in prison without the possibility of parole. The bill lists
26 numerous aggravating and mitigating circumstances for the court
27 to consider prior to sentencing a minor to life imprisonment
28 with no possibility of parole. The bill requires the court
29 to specify on the record the aggravating or mitigating
30 circumstances considered by the court and the reasons for the
31 sentence imposed.

32 Current law and the bill provide that a person convicted
33 of a class "A" felony, other than murder in the first degree,
34 and who was under the age of 18 at the time the offense was
35 committed shall be eligible for parole after serving a minimum

H.F. 555

1 term of confinement of 25 years.

2 The bill takes effect upon enactment and applies to the
3 conviction of a minor for first degree murder committed at any
4 time.